

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ENGELHARD CORPORATION,

Plaintiff,

V.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 05-11241-JLT

(Electronic filing)

**PARTIES' JOINT MOTION TO EXTEND TIME TO FILE
PROPOSED ORDER REGARDING BRIEFING SCHEDULE**

At the close of the hearing held on April 26, 2006, the Court ordered the parties to submit, by May 5, 2006, a joint proposed order addressing the briefing schedule for motions concerning Plaintiff Engelhard Corporation's Fourth Cause of Action. The parties hereby respectfully request an **extension until May 8, 2006** — or **one additional business day** — in which to complete and file their joint proposed order. In support of the relief requested herein, the parties hereby state the following:

1. The parties have exchanged a draft of their proposed order, and have conferred extensively in good faith via e-mail and telephone concerning the contents of the proposed order. Indeed, the parties appear to be in agreement concerning the dates on which they will file their briefs concerning the Fourth Cause of Action. However, the undersigned counsel for the parties recently realized — beginning late in the afternoon of Thursday, May 4, 2006 and earlier today, May 5, 2006 — that their respective clients and management are not yet in full agreement concerning the scope of the motions that each party intends to file, or the appropriate Federal

Rules under which such motions would be filed. The parties believe that the clarification of these issues in the proposed order will assist them, by avoiding any potential misunderstandings, or prejudice to either party. Indeed, the resolution of these issues in the proposed order will likely ensure that the briefing process proceeds smoothly.

2. The undersigned counsel for each party have conferred on these issues, but their final agreement on the issues is not possible at this time, due in part to the need for undersigned counsel for Engelhard to further confer on these issues with a key decision-maker at Engelhard Corporation.

3. The parties have attempted to comply with the Court's order from the bench, and are confident that the issues can be resolved and that the proposed order can be completed and filed by close of business on Monday, May 8, 2006.

SO ORDERED, this _____ day of May, 2006.

The Honorable Joseph L. Tauro
United States District Judge

Respectfully submitted,

FOR ENGELHARD CORPORATION:

May 5, 2006

/s/ Ronald L. Kuis (by S.E.C.)
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FOR THE UNITED STATES:

May 5, 2006

/s/ Stephen E. Crowley
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2006, I served a true and correct copy of the foregoing "Joint Motion," on the following counsel of record, by ECF filing, as follows:

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